



U.S. Department  
of Transportation  
**National Highway  
Traffic Safety  
Administration**

400 Seventh St., S.W.  
Washington, D.C. 20590

NOV 21 2003

James P. Vondale, Director  
Automotive Safety Office  
Environmental & Safety Engineering  
Ford Motor Company  
330 Town Center Drive  
Dearborn, MI 48126-2738

Re: EA02-022; Recall 03V-482

Dear Mr. Vondale:

This responds to your letter to me dated November 19, 2003, concerning the action that Ford Motor Company (Ford) is taking with respect to the fuel delivery modules (FDM) in all model year (MY) 2000 and certain MY 2001 Ford Focus vehicles. This "replacement program" is being taken to remedy stalling, loss of power, and hesitation problems due to clogging of the FDM filters in these vehicles. That issue is the subject of an investigation (EA02-022) conducted by the National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation (ODI).

I am writing to emphasize that ODI does not agree with the assertions in your letter with respect to the safety consequences associated with clogging FDMs in these vehicles, including but not limited to stalling. Nor do we agree with your characterization of prior NHTSA actions and statements with respect to stalling issues. We do recognize that over a decade ago, ODI decided to close some stalling investigations without seeking a recall. Since that time, the agency's views on stalling have evolved. Nonetheless, we are aware that if we were to pursue this matter further, Ford would attempt to rely on those past actions, and the resolution of this investigation would be delayed. In our view, subsequent developments, including Ford's losses in litigation involving the thick film ignition (TFI) module in California, would favor NHTSA. In any event, we are cognizant of and considered the uncertainties of litigation in this matter.

ODI firmly believes that stalling can increase the safety risk both to the vehicle's occupants and to other motorists. Thus, we reject Ford's view that stalling cannot constitute a safety-related defect. Rather, we will consider all of the specific facts and circumstances in deciding the appropriate way to resolve future defect investigations involving stalling.

Ultimately, given Ford's unwillingness to determine that these vehicles contain a defect that relates to motor vehicle safety, ODI concluded that it was in the best interest of the public to bring this matter to a timely conclusion in a manner that will assure that all owners of the vehicles in question that experience any symptoms of FDM clogging will get new, improved FDMs at no charge. As you are aware, during the discussions between ODI and Ford representatives to resolve this matter, we insisted on prompt notification to all vehicle owners of the potential problem, including an identification of the symptoms that will manifest themselves as FDM clogging progresses. We also insisted on language in the letters to owners and to dealers that will assure that all problematic FDMs will be replaced at no charge, and that dealers cannot refuse to replace an FDM on the basis that the problem cannot be replicated at the dealership.

In sum, while we believe that Ford's replacement program is an appropriate resolution to this investigation, since it will avoid a possible protracted adversarial proceeding and get the new parts to consumers as quickly as possible, we do not agree that the FDM problems in these vehicles are not related to motor vehicle safety.

Sincerely,

**Original Signed by**

Kenneth N. Weinstein  
Associate Administrator  
for Enforcement

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cc:

NVS-200 Subject/Chron

NVS-210 K. DeMeter

NCC-111 L. Guerci